

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 09/488,337

Applicant(s): Getsin et al.

Filed: January 20, 2000

Title: SYSTEM, METHOD AND ARTICLE OF
MANUFACTURE FOR STORING
SYNCHRONIZATION HISTORY OF THE
EXECUTION OF A MULTIMEDIA
EVENT ON A PLURALITY OF CLIENT
COMPUTERS

Examiner: AVELLINO, Joseph E.

Art Unit: 2143

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2-5-07

Date

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RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Mail Stop APPEAL BRIEF -- PATENTS
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In responsive to the Notice of Non-Compliant Appeal Brief mailed January 4, 2007, as entered in the above-captioned matter, the Applicants' Appeal Brief filed November 18, 2006 was identified as defective for failure to provide an appropriate summary of claimed subject matter.

No specific issues were identified by in the Notice of Non-Compliant Appeal Brief with respect to the observation that the submitted brief does not contain a concise

explanation of the subject matter defined in each of the independent claims other than stating that “IN SECTION V Summary of the Claimed Subject Matter: The brief does identify each independent claim involved in the appeal but does not map independent claim(s) (1) to the specification by page and line number and to the drawing, if any, by reference characters.” The Applicants have carefully reviewed the summary section and, with all due respect, find the presented text of the submitted brief to be fully compliant with the requirements of 37 C.F.R. §41.37. Particular reference was made in the Notice of Non-Compliance with respect to the requirements of 37 C.F.R. §41.37(c)(1)(v). That section first requires:

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawings, if any, by reference characters.

This is exactly what the present summary section in the submitted Appeal Brief provides. The subject matter of the independent claims is presented, in prose format, including references to the specification by page and line number as well as reference characters. As to the latter requirement, the summary section even includes presentations of the figures that are referred to in this way.

This portion of the Code of Federal Regulations then provides as follows:

For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. §112, 6th paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

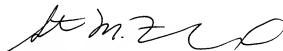
Applicants do not believe there are any independent or dependent claims being presented for argument that specifically include “means plus function” or “step plus function” language. Therefore, this section of 37 C.F.R. §41.37(c)(1)(v) is not applicable.

Applicants, however, have amended the Appeal Brief to further identify claim 1 with reference to the specification by page and line number and to the drawings in attempts to satisfy the Patent Appeal Center and in an attempt to advance the appeal.

There being no other objections to the Appeal Brief, the Applicants respectfully submit that the accompanying Amended Appeal Brief is in suitable condition to support review by the Board of Appeals.

Respectfully submitted,

Dated: 2-5-07



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